

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SULEMA GARZA

V.

NEW BREED LOGISTICS, INC.,
ET AL.

§
§
§
§
§
§

ACTION NO. 4:11-CV-161-Y

ORDER TEMPORARILY QUASHING DEPOSITION NOTICE

Pending before the Court is defendant New Breed Logistics, Inc.'s Motion to Quash and for Protection (doc. 21), filed August 29, 2011. New Breed's motion requests that the Court quash a deposition notice served on Richard Valitutto by Plaintiff's counsel on August 26. After careful consideration of this matter, the Court finds that the deposition notice should be and is hereby TEMPORARILY QUASHED pending the final disposition of New Breed's motion.

Additionally, the Court finds that the parties should be given one final opportunity to make a good faith attempt at resolving this discovery dispute among themselves. In this regard, the parties are referred to the en-banc opinion in *Dondi Properties Corp. v. Commerce Savings & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc & per curiam). That opinion sets forth standards of conduct for counsel (and *pro se* parties) to follow throughout litigation. Particularly relevant here are the standards for conduct during discovery. "[Parties] should make reasonable efforts to conduct all discovery by agreement." *Id.* at 293. The Court warns the parties that discovery disputes are not taken lightly, and, if resolution by the Court is required, sanctions will be imposed upon any party found to be conducting or opposing

discovery unreasonably, in bad faith, or otherwise not in compliance with the rules or *Dondi*.

Therefore, the parties shall confer and make a good-faith effort to resolve this discovery dispute between themselves. If the parties are able to completely resolve this discovery dispute, New Breed shall notify the Court in writing as soon as possible, but not later than **September 20, 2011**, that the motion should be rendered moot.

If the parties are able to resolve part, but not all of their discovery dispute, New Breed must file an amended motion as to the remaining disputed matters only no later than **September 20, 2011**.

Should the parties be able to resolve none or only a part of their discovery dispute, Plaintiff must respond to New Breed's initial or amended motion no later than **September 27, 2011**. Any reply to Plaintiff's response must be filed in accordance with Rule 7.1(f) of the Local Civil Rules of this Court.

SIGNED August 31, 2011.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE